

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF OHIO  
3                   EASTERN DIVISION

4           -----                   )  
5   IN RE: NATIONAL                   ) MDL No. 2804  
6   PRESCRIPTION OPIATE                   )  
7   LITIGATION                   ) Case No.  
8   -----                   ) 1:17-MD-2804  
9                   )  
10   THIS DOCUMENT RELATES TO                   ) Hon. Dan A. Polster  
11   ALL CASES                   )  
12   -----                   )

13                   HIGHLY CONFIDENTIAL  
14                   SUBJECT TO FURTHER CONFIDENTIALITY REVIEW  
15                   VIDEOTAPED FACT DEPOSITION  
16                   and  
17                   30 (B) (6) DEPOSITION  
18                   OF  
19   WALGREENS BOOTS ALLIANCE, INC. a/k/a WALGREEN CO.  
20                   BY  
21                   EDWARD KALETA  
22                   December 18, 2018  
23                   Chicago, Illinois  
24                   GOLKOW LITIGATION SERVICES  
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The videotaped Fact and 30(b)(6) deposition of EDWARD KALETA, called by the Plaintiffs for examination, taken pursuant to the Federal Rules of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before CORINNE T. MARUT, C.S.R. No. 84-1968, Registered Professional Reporter and a Certified Shorthand Reporter of the State of Illinois, at the offices of Bartlit Beck Herman Palenchar & Scott, Suite 700, 54 West Hubbard Street, Chicago, Illinois, on December 18, 2018, commencing at 8:09 a.m.

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9	E X H I B I T S		
10	WALGREENS-KALETA EXHIBIT	MARKED FOR ID	
11	No. 1	GAO Report to Congressional Requesters, Prescription Drugs, OxyContin Abuse and Diversion and Efforts to Address the Problem; P-GEN-0007	29
12			
13			
14	No. 2	Congressional Report, "OxyContin: Its use and abuse," etc., August 28, 2001; P-GEN-0047	47
15			
16	No. 3	6/7/17 e-mail string; WAGMDL00038786 - 00038791	53
17			
18	No. 4	11/2/16 e-mail with attachment; WAGMDL00375070 - 00375071	62
19			
20	No. 5	3/30/16 e-mail string; WAGMDL00377962 - 00377967	70
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1		E X H I B I T S	
2	WALGREENS-KALETA	EXHIBIT	MARKED FOR ID
3	No. 6	6/1918 e-mail with	83
4		attachments;	
5	No. 7	WAGMDL00376065 - 00376072	
6		4/23/18 e-mail string with	88
7		attachment;	
8		WAGMDL00035669 - 00035683	
9	No. 8	10/31/17 e-mail string with	95
10		attachment;	
11		WAGMDL00385788 - 00385791	
12	No. 9	Binder containing Settlement	105
13		and Memorandum of Agreement	
14		between DOJ, DEA and Walgreens	
15		and other documents;	
16		WAGMDL00490963 - 00490978	
17	No. 10	5/9/18 e-mail string;	150
18		WAGMDL00383697 - 00383700	
19			
20	No. 11	12/15/15 e-mail string with	157
21		attachment;	
22		WAGMDL00042452 - 00042464	
23			
24	No. 12	5/6/16 e-mail;	169
25		WAGMDL00615477	
26	No. 13	5/3/16 e-mail string with	175
27		attachment;	
28		WAGMDL00615504 - 00615509	
29	No. 14	6/13/16 e-mail string with	181
30		attachments;	
31		WAGMDL00378634 - 00378639	
32	No. 15	7/17/17 e-mail string with	190
33		attachment;	
34		WAGMDL00374710 - 00374719	
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1		E X H I B I T S	
2	WALGREENS-KALETA	EXHIBIT	MARKED FOR ID
3	No. 16	4/9/18 e-mail string with attachment;	202
4		WAGMDL00315889 - 00315903	
5	No. 17	6/19/17 e-mail string;	204
6		WAGMDL00612155 - 00612157	
7	No. 18	9/6/17 e-mail string;	207
8		WAGMDL00595580 - 00595586	
9	No. 19	1/17/18 e-mail string with attachment;	210
10		WAGMDL00591948 - 00591951	
11	No. 20	9/20/17 e-mail string;	225
12		WAGMDL00385105 - 00385110	
13	No. 21	5/21/18 e-mail string with attachment;	237
14		WAGMDL00384341 - 00384357	
15	No. 22	5/24/18 e-mail string;	254
16		WAGMDL00616784 - 00616787	
17	No. 23	3/1/17 e-mail with attachment;	262
18		WAGMDL00611377 - 00611384	
19	No. 24	5/19/16 e-mail string;	272
20		WAGMDL00600854 - 00600860	
21	No. 25	10/22/15 e-mail string;	279
22		WAGMDL00383497 - 00383499	
23	No. 26	8/12/16 e-mail string;	290
24		WAGMDL0044770 - 00044773	
	No. 27	4/27/16 e-mail string and attachments;	291
		WAGMDL00603118 - 00603128	

1	E X H I B I T S		
2	WALGREENS-KALETA EXHIBIT		MARKED FOR ID
3	No. 28	8/14/17 e-mail string; WAGMDL00385259 - 00385260	300
4			
5	No. 29	10/23/17 e-mail with attachment; WAGMDL00385895 - 00385897	307
6			
7	No. 30	Lobbying Report; P-WAG-00040	313
8	No. 31	3/2/12 e-mail string; WAGMDL00642592 - 00642594	318
9			
10	No. 32	1/29/16 e-mail string with attachment; WAGMDL0000613455 - 00613467	322
11			
12	No. 33	10/27/17 e-mail string; WAGMDL00386743 - 00386745	327
13	No. 34	3/2/18 e-mail string with attachment; WAGMDL0000644179 - 00644182	334
14			
15	No. 35	1999 - 2016 maps, National Center for Health Statistics, National Vital Statistics System, mortality data	342
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E X H I B I T S

WALGREENS-KALETA 30(b)(6) EXHIBIT MARKED FOR ID

No. 1 Second Notice of Deposition to 384  
Deft. Walgreens Boots  
Alliance, Inc. a/k/a Walgreen  
Co.

No. 2 DEA Compliance Working Group 404  
1/10/13 Meeting Summary;  
CAH\_MDL2804\_02933683 - 02933700

No. 3 Document, "Payments, Payments 417  
for the 1 selected  
Organization, 12 September 2018";  
WAGMDL00286426 - 00286428

1 THE VIDEOGRAPHER: We are now on the record.  
2 My name is Ben Stanson. I'm a videographer for  
3 Golkow Litigation Services.

4 Today's date is December 18, 2018, and  
5 the time is 8:09 a.m.

6 This video deposition is being held in  
7 Chicago, Illinois in the matter of the National  
8 Prescription Opiate Litigation, pending in the U.S.  
9 District Court, Northern District of Ohio, Eastern  
10 Division.

11 The deponent is Ed Kaleta.

12 Counsel will be noted on the  
13 stenographic record.

14 Our Court Reporter is Corinne Marut.  
15 Will you please swear in the witness.

16 (WHEREUPON, the witness was duly  
17 sworn.)

18 MR. GADDY: Corinne, did you get everybody  
19 that's in attendance?

20 (Clarification by the reporter.)

21 MR. SHAPLAND: Eric Shapland, Arnold & Porter,  
22 on behalf of Endo and Par.

23 MS. ALLEN: Erin Gibson Allen from Marcus &  
24 Shapira on behalf of Defendant HBC.

1 MR. FULMER: Gabriel Fulmer from Covington &  
2 Burling on behalf of McKesson.

3 MR. GADDY: And I'm Jeff Gaddy on behalf of  
4 the Plaintiffs.

5 MR. NORTEY: This is James Nortey with Morgan,  
6 Lewis on behalf of Rite Aid.

7 MR. SWANSON: Do you want to keep going?

8 MS. MAYO: Katie Mayo on behalf of the  
9 Plaintiff with Levin Papantonio.

10 MS. MEYER: Julie Fix Meyer, Armstrong  
11 Teasdale, on behalf of Cardinal Health.

12 MR. YINGLING: Patrick Yingling with Reed  
13 Smith on behalf of AmerisourceBergen Drug  
14 Corporation.

15 MR. BEISELL: Patrick Beisell, Jones Day, on  
16 behalf of Defendant Walmart.

17 MS. DESH: Sharon Desh from Bartlit Beck on  
18 behalf of Walgreens.

19 MR. SWANSON: Brian Swanson from Bartlit Beck  
20 on behalf of Walgreens.

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1 EDWARD KALETA,

2 called as a witness herein, having been first duly  
3 sworn, was examined and testified as follows:

4 EXAMINATION

5 BY MR. GADDY:

6 Q. Good morning, Mr. Kaleta. Is it Kaleta  
7 or Kaleta?

8 A. Yes, Kaleta.

9 Q. Kaleta. My name is Jeff Gaddy. I  
10 represent the Plaintiffs in this matter, and I'm  
11 going to ask you some questions this morning.

12 As your attorney referenced just before  
13 we started today, not only are you being deposed as  
14 a fact witness, but also you're designated on a  
15 30(b)(6) topic, correct?

16 A. Yes.

17 Q. Okay. So, what I expect or what I plan  
18 to do today is to take your fact testimony first  
19 and before I start asking you questions as in your  
20 capacity as the corporate designee, I'll make that  
21 clear to you. Okay?

22 A. Okay.

23 Q. Where do you work?

24 A. I work at Walgreens.

1 Q. What's your title?

2 A. My current title is vice president of  
3 federal government relations and U.S. public  
4 policy.

5 Q. And how long have you held that  
6 position?

7 A. About three years.

8 Q. What was your position before that?

9 A. Before that I was the senior director of  
10 federal government relations.

11 Q. And was that your position going back to  
12 2011?

13 A. Yes.

14 Q. Has all of your duties at Walgreens  
15 since you began in 2011 involved federal government  
16 relations?

17 A. Going back to 2011, some of my duties  
18 have involved federal government relations.

19 Q. To perform your duties in that position,  
20 are you registered as a lobbyist?

21 A. That's correct. I'm a registered  
22 lobbyist.

23 Q. How long have you been a registered  
24 lobbyist for Walgreens?

1           A.       I've been a registered lobbyist for  
2       Walgreens dating back to 2011.

3           Q.       And do you have other individuals within  
4       your department or division who are also lobbyists?

5           A.       Yes.   There are other individuals on the  
6       team that are registered lobbyists.

7           Q.       Okay.   In your position as vice  
8       president of federal government affairs, do you  
9       have a team that reports to you?

10          A.       Yes.   I have individuals that report to  
11       me as part of the federal government relations  
12       portion of my position.

13          Q.       Okay.   How many people?

14          A.       There are -- can you be a little more  
15       specific on the team or?

16          Q.       Sure.   How many lobbyists work  
17       underneath you and report to you?

18          A.       So, as part of the federal government  
19       relations team, there are two other registered  
20       lobbyists.

21          Q.       Who do you report to?

22          A.       I report to Chuck Greener.

23          Q.       What's his position?

24          A.       Chuck Greener is the senior vice



1 president for global public affairs,  
2 communications, government relations.

3 Q. Does your division have the sole  
4 responsibility for federal lobbying within  
5 Walgreens?

6 A. There are other individuals who at  
7 different times, other individuals, other  
8 departments throughout the company that may  
9 contribute on a limited basis.

10 But as far as having the main  
11 responsibility on behalf of the company for  
12 lobbying, I think the answer to your question would  
13 be yes.

14 Q. Okay. Who are the other two folks that  
15 are lobbyists who report to you?

16 A. Alethia Jackson and Katie Bond Troller.

17 Q. Would it be fair to say that you,  
18 Ms. Jackson and Ms. Troller are the primary  
19 individuals who conduct federal lobbying on behalf  
20 of Walgreens?

21 A. Yes. That's fair to say.

22 Q. Does -- I'm sorry, but I think you said  
23 you report to Charles -- is it Greenbriar?

24 A. Chuck Greener.

1 Q. Chuck Greener. Thanks.

2 Is he registered as a lobbyist also?

3 A. He is not.

4 Q. Does your division have a budget for  
5 federal lobbying activities?

6 A. The government relations team overall  
7 has a budget, yes.

8 Q. Does that budget cover things like  
9 political contributions by Walgreens?

10 A. No. Those are separate.

11 Q. Okay. Does the federal government  
12 relations team's budget, does that include dues or  
13 contributions to trade associations?

14 A. That is a portion of the government  
15 relations budget, yes, dues for trade associations.

16 Q. Does that also include any payments to  
17 consulting groups? Does that come out of that  
18 budget?

19 A. Yes. As part of the overall government  
20 relations budget, there is also money allocated for  
21 outside consultants.

22 Q. Okay. Does Walgreens utilize outside  
23 consultants to assist with its lobbying efforts?

24 A. We have utilized outside consultants to

1 assist with lobbying, yes.

2 Q. And do those outside consultants, do  
3 they perform lobbying on behalf of Walgreens?

4 MR. SWANSON: Object to form.

5 BY THE WITNESS:

6 A. Our outside consultants perform  
7 different responsibilities on our behalf. Some of  
8 them do include direct lobbying, yes.

9 BY MR. GADDY:

10 Q. So, in addition to you and the other two  
11 members of your team who are registered as  
12 lobbyists to advocate on behalf of Walgreens,  
13 Walgreens also employs or hires outside consultants  
14 who also will do direct lobbying on behalf of  
15 Walgreens, is that correct?

16 MR. SWANSON: Object to form.

17 BY THE WITNESS:

18 A. Yes, that is correct.

19 BY MR. GADDY:

20 Q. And as a lobbyist your goal is to  
21 influence federal legislation on behalf of  
22 Walgreens?

23 A. No. No. I wouldn't characterize it  
24 that way.

1           Q.     Will you agree that as a lobbyist your  
2     goal is to promote Walgreens' positions or agendas  
3     at the Federal Government level?

4           A.     No. I believe that the job of the team  
5     as it relates to federal government relations is to  
6     share relevant information with elected officials  
7     and their staff on issues of importance to  
8     Walgreens.

9           Q.     You're not trying to influence  
10    politicians with the information that you provide  
11    them?

12           MR. SWANSON: Object to form, vague.

13    BY THE WITNESS:

14           A.     No. We're trying to share relevant  
15    information on issues of importance to the company.

16    BY MR. GADDY:

17           Q.     Why do you want to share information  
18    with them?

19           A.     Each year and each session of Congress  
20    there is hundreds, if not thousands, of bills that  
21    are introduced, some of which have an impact on  
22    Walgreens, others that do not.

23                   I believe that our role in the federal  
24    government relations team is to try to share

1 relevant information on behalf of Walgreens on  
2 issues of importance to the company.

3 Q. The purpose of sharing the information  
4 is so they can know how that particular piece of  
5 legislation will impact Walgreens?

6 A. I think in some cases the goal is to  
7 share that information in order to have them better  
8 understand how different pieces of legislation may  
9 impact the company.

10 Q. And you want them to see how the  
11 legislation will impact Walgreens from Walgreens'  
12 perspective, correct?

13 A. I think it depends. I think there is  
14 different issues and there is different outcomes.  
15 There is also different impacts relative to our  
16 patients, relative to our employees or relative to  
17 the company overall.

18 Q. Is there an aspect of your position that  
19 is related to public relations?

20 A. I think -- it's kind of a vague  
21 question. It depends on the definition of public  
22 relations.

23 Q. Would you consider your primary  
24 responsibility or primary job duty to revolve

1 around the lobbying functions that you perform?

2 A. Primary? No. I wouldn't say it's  
3 necessarily primary. I think it depends on what is  
4 going on with Congress, what's going on with the  
5 administration, which issues may be brought up for  
6 discussion.

7 But I wouldn't say that my primary focus  
8 on any given day is lobbying. Some days it is.  
9 Other days it may revolve more around policy  
10 development. Other days it may revolve around  
11 other issues of importance to the company that may  
12 not have anything to do with lobbying per se.

13 Q. But it's fair to say that some aspect of  
14 your -- of your job or at least on some days  
15 involves public relations, press events,  
16 coordinating those types of functions?

17 A. We have a -- so, the short answer to  
18 that question is probably no. We have a  
19 communications team that handles media inquiries,  
20 press events, press releases. That's separate and  
21 distinct from what we do in federal government  
22 relations.

23 Q. The budget for you and your team as it  
24 relates to -- to the lobbying activities that you

1 do, what is that budget?

2 MR. SWANSON: Object to form.

3 BY THE WITNESS:

4 A. Can you repeat the question.

5 BY MR. GADDY:

6 Q. Sure. Let me ask it this way. Does  
7 your group, federal government affairs, does it  
8 have a budget?

9 A. So, the larger government relations  
10 team, which includes federal, state, local policy  
11 and other couple functions, has an overall budget.

12 Q. What is that budget?

13 A. It varies from year to year depending.

14 Q. What is it this year?

15 A. I don't know if I can say with certainty  
16 what it is for 2018. I could probably guesstimate  
17 that that budget is somewhere around 8 to  
18 \$10 million.

19 Q. And is that -- would that be a fair  
20 guesstimate, going back to when you started with  
21 the company in 2011, for what it was on a yearly  
22 basis?

23 A. I don't know. I didn't have exposure or  
24 access to that type of information back when I

1     started in 2011.

2           Q.     Okay. Going back for I guess the last  
3     three years when you did have access to that  
4     information, would that be a fair guesstimate for  
5     the last couple of years?

6           A.     It's probably a little bit -- may have  
7     been a little bit less one or two of those years,  
8     but it's probably a fair estimate, yes.

9           Q.     Okay. You told me that contributions to  
10    trade associations would come out of that budget,  
11    payments to consulting groups would come out of  
12    that budget.

13                   What else would come out of that 8 to  
14    \$10 million that Walgreens budgets for federal  
15    government affairs on an annual basis?

16           A.     Office supplies, travel back to Chicago  
17    to headquarters of Walgreens, computers,  
18    publications, online publications, salaries, of  
19    course, for team members.

20           Q.     As we sit here today, do you acknowledge  
21    that the United States is in the midst of an opiate  
22    crisis?

23           MR. SWANSON: Object to form.

24    BY THE WITNESS:



1           A.       I'm not sure that I can say relative to  
2   that term. Can you be -- can you provide a little  
3   bit more information?

4   BY MR. GADDY:

5           Q.       Would you in your personal capacity  
6   consider the United States to be in the midst of an  
7   opioid crisis?

8           MR. SWANSON: Object to form.

9   BY THE WITNESS:

10          A.       I think that there are a number of  
11   challenges related to the opioid epidemic that have  
12   been going on for some period of time with more or  
13   less exposure put on certain issues over the last  
14   several years. It's probably how I'd look at it.

15   BY MR. GADDY:

16          Q.       You don't think we are in the middle of  
17   an opioid epidemic?

18          MR. SWANSON: Object to form, asked and  
19   answered.

20   BY THE WITNESS:

21          A.       I think that there is a lot of  
22   challenges related to the opioid epidemic, some of  
23   which have been more highlighted recently than in  
24   other times.

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1 that contributes to the opioid crisis as opposed to  
2 help address it?

3 MR. SWANSON: Object to form, beyond the  
4 scope.

5 BY THE WITNESS:

6 A. I've not seen this document before and  
7 I've not seen this section, so I don't have a basis  
8 for an opinion.

9 BY MR. GADDY:

10 Q. Pretend the document is not there.  
11 Okay?

12 A. Okay.

13 Q. If I was to tell you that in March of  
14 2011 that a local sheriff thought that the  
15 Walgreens stores in his jurisdiction had become  
16 bastions of illegal drug sales and drug use, you  
17 would agree that that is contributing to the opioid  
18 crisis as opposed to helping to solve it, correct?

19 MR. SWANSON: Object to form, incomplete  
20 hypothetical, calls for speculation and beyond the  
21 scope of the cross. Could have done this all  
22 before and you did.

23 BY THE WITNESS:

24 A. Yeah, that's another hypothetical, could

1 have, would have, should have. Whatever happened  
2 around the country ten years ago, I can't speak to  
3 that.

4 BY MR. GADDY:

5 Q. Okay. You don't know whether or not  
6 that type of activity would make the opioid crisis  
7 worse or better?

8 A. I think you're --

9 MR. SWANSON: Same objections.

10 BY THE WITNESS:

11 A. Yeah, I think your summary of that  
12 activity is real vague. So, I'm not sure exactly  
13 what you're referring to.

14 BY MR. GADDY:

15 Q. You would agree it's not a good thing  
16 for Walgreens stores to be called a bastion of  
17 illegal drug sales. You would agree with that,  
18 right?

19 MR. SWANSON: Object to form.

20 BY THE WITNESS:

21 A. Can you repeat your question?

22 BY MR. GADDY:

23 Q. Would you agree that it's not a good  
24 thing to be told that Walgreens stores and their

1 parking lots in particular have become a bastion of  
2 illegal drug sales and drug use?

3 MR. SWANSON: Object to form, scope.

4 BY THE WITNESS:

5 A. So, if you're asking in a vacuum if that  
6 particular sentence and just that sentence or  
7 statement is something that would be -- what was  
8 the word you used?

9 BY MR. GADDY:

10 Q. Bastion of illegal drug sales.

11 A. No, would that be bad for Walgreens, is  
12 that what --

13 Q. Would it be bad, period?

14 A. I would agree with that, yes.

15 MR. SWANSON: Objection.

16 MR. GADDY: That's all the questions I have,  
17 Mr. Kaleta.

18 MR. SWANSON: All right.

19 MR. GADDY: You ready to go right in?

20 THE WITNESS: I think I need to go to the --

21 MR. GADDY: No problem.

22 THE WITNESS: -- bathroom real quick.

23 THE VIDEOGRAPHER: We are off the record at

24 4:26 p.m.

1 (WHEREUPON, a recess was had  
2 from 4:26 to 4:31 p.m.)

3 THE VIDEOGRAPHER: We are now on the record.  
4 The time is 4:31 p.m. on December 18, 2018. This  
5 is the 30(b)(6) testimony of Mr. Ed Kaleta.

6 Counsel will be noted on the  
7 stenographic record.

8 Will the Court Reporter please swear in  
9 the witness.

10 (WHEREUPON, the witness was duly  
11 sworn.)

12 EDWARD KALETA,  
13 called as a 30(b)(6) witness herein, having been  
14 first duly sworn, was examined and testified as  
15 follows:

16 EXAMINATION

17 BY MR. GADDY:

18 Q. State your name, please.

19 A. Edward Kaleta.

20 Q. And if you don't mind saying your title  
21 for me one more time.

22 A. Vice president of federal government  
23 relations and U.S. public policy.

24 Q. And do you understand that you've been

1 designated by Walgreens to provide testimony today  
2 on a single topic pursuant to a Deposition Notice  
3 under Rule 30(b)(6)?

4 A. I do.

5 Q. Okay. I've handed you a document which  
6 we're going to call Kaleta No. 1 as it relates to  
7 the 30(b)(6) deposition.

8 (WHEREUPON, a certain document was  
9 marked Walgreens-Kaleta 30(b)(6)  
10 Exhibit No. 1: Second Notice of  
11 Deposition to Deft. Walgreens Boots  
12 Alliance, Inc. a/k/a Walgreen Co.)

13 BY MR. GADDY:

14 Q. Have you seen this before?

15 A. Yes, I saw this. My counsel provided it  
16 to me.

17 Q. Okay. Prior to seeing this -- let me  
18 ask you this first.

19 When did you first find out you were  
20 going to be a 30(b)(6) designee for this case?

21 A. About a month ago probably.

22 Q. Okay. When you were first told that,  
23 did you know what it meant?

24 A. I did not.



1 Q. If you turn to page 8 of that Notice, do  
2 you see topic 12 in the middle of the page?

3 A. Yes.

4 Q. Is it your understanding that this is  
5 the topic you have been designated on?

6 A. That's correct.

7 Q. It says, "Your participation,  
8 relationship or association with any trade  
9 organization, including, but not limited to, the  
10 HDA, the NACDS, PhRMA, including the submission of  
11 amicus briefs."

12 Do you see that?

13 A. I do.

14 MR. SWANSON: I'll just note that he is being  
15 produced subject to objections that were made to  
16 that topic in an August 31, 2018 letter from my  
17 colleague Ms. Swift.

18 MR. GADDY: Let me ask you. Is there any --  
19 certainly aware there were objections made. I know  
20 there has been some rulings made on other, as it  
21 relates to other Defendants. I don't believe there  
22 was any rulings made as it relates to that topic.

23 MR. SWANSON: I think that's correct.

24 MR. GADDY: Are you limiting his testimony in

1 any way, shape or form based merely on the raising  
2 of an objection?

3 MR. SWANSON: Well, let's go through the  
4 questions and we'll find out.

5 MR. GADDY: You can tell me if you have  
6 instructed him not to answer a question or not to  
7 prepare for a topic as we get there?

8 MR. SWANSON: I'll object as beyond the scope,  
9 and then I think we can sort that out later if we  
10 need to and if the testimony is within.

11 BY MR. GADDY:

12 Q. Mr. Kaleta, if you'd turn to page 2 for  
13 me. Do you see at the bottom of page 2 there is a  
14 section called "Duty to Prepare"?

15 A. Yes.

16 Q. It says, "The testimony elicited in the  
17 deposition represents Walgreens' knowledge, not the  
18 individual deponent's knowledge."

19 Do you understand that?

20 A. I do.

21 Q. Obviously we've spent several hours  
22 today taking your individual fact deposition but  
23 you understand this is different, right?

24 A. Yes.

1 Q. When you answer questions, you're  
2 answering as Mr. Walgreens as opposed to  
3 Mr. Kaleta. You understand that distinction?

4 A. I do.

5 Q. It goes on to say, it says, "Therefore,  
6 if Walgreens' designee is not knowledgeable about  
7 the matters specified in the Deposition Notice, it  
8 must nonetheless prepare such designee to give  
9 knowledgeable, binding answers."

10 Do you see that?

11 A. I do.

12 Q. Have you done anything to prepare to be  
13 Walgreens' designee on this topic today?

14 A. I have.

15 Q. Okay. About how much time did you spend  
16 preparing to testify on this topic today?

17 A. About three hours.

18 Q. Okay.

19 A. Maybe two.

20 Q. Okay. If you would, describe for me  
21 what you did to prepare.

22 A. So, there was a couple components to it.  
23 One was obviously seeing this notice, having my  
24 counsel explain what the 30(b)(4).

1 MR. SWANSON: 6.

2 THE WITNESS: 6, close.

3 BY THE WITNESS:

4 A. 30(b)(6) designation meant. Spent a  
5 fair amount of time on that and explaining, as you  
6 just outlined, the difference between that and my  
7 personal testimony.

8 We did a little -- I -- I had a couple  
9 conversations with colleagues to confirm  
10 information related to our membership in some of  
11 these trade associations, including information  
12 when it was available, in which case -- in some  
13 cases in which it wasn't, about our participation  
14 in trade associations prior to 2011 when I was at  
15 the company.

16 BY MR. GADDY:

17 Q. Okay. How many people -- you said  
18 colleagues. How many colleagues did you talk to?

19 A. Three maybe.

20 Q. Who did you talk to?

21 A. Casey Cesnovar. There was a gentleman  
22 that was on the phone and he was referenced in one  
23 these other documents that I had mentioned I had  
24 heard his name before. Excuse me. I mentioned

1 earlier in my personal testimony that I had heard  
2 his name and talked with him.

3 THE WITNESS: I don't know if you can help me.

4 MR. SWANSON: I can't help you. It's your  
5 testimony.

6 THE WITNESS: Okay.

7 BY THE WITNESS:

8 A. Do you want me to go through the  
9 documents?

10 BY MR. GADDY:

11 Q. No.

12 A. Okay.

13 Q. Who is the third person?

14 A. It's going to take me a while. Forgive  
15 me. The head cold is definitely in full force  
16 after eight hours. So, I'm trying to pull the  
17 other person that we had a conversation with.

18 I did talk to Pete Wilson in our legal  
19 department. So, Casey, Pete and then the other  
20 gentleman.

21 Q. Okay.

22 A. I believe that's the list.

23 Q. Okay. Any one of those folks more  
24 important than the other as far as kind of the

1 primary source that you got information from?

2 A. Not necessarily, no.

3 Q. Let me start with what I think will be  
4 some easy ones.

5 Has Walgreens ever been a member of HDA  
6 or the HDMA?

7 A. I don't believe that Walgreens has ever  
8 been a member of HDA or HDMA, but my understanding  
9 is that I can go back to 2004 is about when I can  
10 go back to. But I don't believe so. I can say  
11 with fair amount of certainty we have not.

12 Q. Okay. Has Walgreens ever been a member  
13 of PhRMA?

14 A. No.

15 Q. Again, is that a definitive no or no  
16 back to '04?

17 A. That was a definitive no.

18 Q. Has Walgreens ever been a member or is  
19 Walgreens a member of NACDS?

20 A. National Association of Chain Drug  
21 Stores, yes.

22 Q. How long has Walgreens been a member of  
23 that trade association?

24 A. I was able to determine that we have

1     been a member since, I want to say, going into the  
2     early '90s.

3           Q.     Has Walgreens ever been a member of the  
4     NABP?

5           A.     The National Association of Boards of  
6     Pharmacy?

7           Q.     Correct.

8           A.     I believe we have, but I can't say for  
9     certain.

10          Q.     Is that one that you inquired about or  
11     asked about?

12          A.     It wasn't. I don't believe it was on  
13     this document.

14          Q.     Okay.

15          A.     We work with the National Association of  
16     Boards of Pharmacy; but as to whether we are a  
17     member, I don't know the answer to that.

18                   What I can also add is that my area is  
19     responsible for paying all trade association dues,  
20     and so with the exception of individuals in our  
21     company that have gone out of the process and are  
22     paying for trade association dues out of their own  
23     budget without our knowledge, I'm not aware that we  
24     have been a member of NABP.

1 Q. Of any? I'm sorry?

2 A. Of NABP.

3 Q. Oh. Gotcha. Turn to page 8 for me, if  
4 you don't mind, back where it lists your topic.

5 You see there it says, "Your  
6 participation, relationship or association in any  
7 trade association."

8 Do you see that?

9 A. I do.

10 Q. Did you limit your inquiry only to the  
11 three that are listed there?

12 A. I did not.

13 Q. Okay. So, of the four that I've asked  
14 you about, let me summarize it and you can tell me  
15 if I got it right or not.

16 You don't believe you've ever been a  
17 member of had but can only say so with certainty  
18 back to '04. You've never been a member of PhRMA.  
19 You've been a member of NACDS going back to the  
20 early '90s, and you're not sure about NABP?

21 A. Correct.

22 Q. What other trade associations is  
23 Walgreens a member of?

24 A. You want the whole list?



1 Q. Yes.

2 A. How much time do you have?

3 Q. How many?

4 A. Do you want federal? Do you want state?

5 Q. Start with federal.

6 A. You want with local chambers of  
7 commerce? Those are technically trade  
8 associations.

9 Q. Start with federal.

10 A. So, at the federal level we are members  
11 of the Business Round Table. We're members of the  
12 Retail Industry Leaders Association. The acronym  
13 is RELA. We're members of the American Benefits  
14 Council. We're members of the National Business  
15 Group on Health.

16 I believe that's currently where we are  
17 at the federal level.

18 Q. Okay. Any of those four trade  
19 organizations deal with opioids?

20 A. I would say yes, that Business Round  
21 Table and the Retail Industry Leaders Association  
22 have had conversations related to the opioid  
23 epidemic and its potential impact on very -- the  
24 members organizations and workforce. They have

1 not, that I'm aware of, lobbied on behalf of the  
2 opioid epidemic.

3 Q. Okay. Have they lobbied on behalf of  
4 member businesses such as Walgreens?

5 A. On other issues?

6 Q. Sure.

7 A. Yes.

8 Q. Do all of these trade associations that  
9 you just mentioned, these four, conduct lobbying  
10 activity?

11 A. Yes.

12 Q. Okay. And all of them lobby on behalf  
13 of the interest of their members, just maybe not on  
14 opioids, correct?

15 A. I'm sorry. What was the last part of  
16 your question?

17 Q. They all lobby on behalf of the interest  
18 of their members, just maybe not on opioids?

19 A. That's correct.

20 MR. SWANSON: Object to form.

21 BY MR. GADDY:

22 Q. So, are you aware of any of those four  
23 lobbying on any opioid-related issues?

24 A. I'm not aware.

1           Q.     Are there any state trade associations  
2     that Walgreens is a member of that conducts  
3     lobbying activity on behalf of its members related  
4     to opioids?

5           A.     I believe there are. There are pharmacy  
6     trade associations in various states that we are  
7     members of. There are pharmacy and retail  
8     associations in various states that we are members  
9     of. I would point to Illinois. I would point to  
10    Florida. And there's a handful of others that have  
11    lobbied at various times on opioid-related matters.

12          Q.     Do you know the name of the association  
13    in Florida?

14          A.     I believe there's the Florida Retail  
15    Association and I believe they also have a Florida  
16    Pharmacy Association. In some states it's combined  
17    and in some states it's two different distinct  
18    organizations.

19          Q.     Were you saying something?

20          A.     Uh-uh.

21          Q.     Would those be the only two state trade  
22    associations within Florida?

23          A.     I believe so. But, again, the lion's  
24    share of my responsibility is at the federal level

1 and so I have more intimate knowledge around that  
2 area.

3 Q. Who did you talk to to get information  
4 about HDA or HDMA?

5 A. So, I had knowledge myself and I also  
6 talked to Casey and I talked to Pete and I talked  
7 to the third gentleman whose name I can't recall at  
8 this point.

9 Q. Through your association and membership  
10 in NACDS, do you ever interact with HDA and HDMA as  
11 it comes to common interest in lobbying?

12 MR. SWANSON: Object to form and scope.

13 BY THE WITNESS:

14 A. So, Walgreens interacts, has  
15 historically, with HDA on different issues, yes.

16 BY MR. GADDY:

17 Q. Has Walgreens interacted with HDA on  
18 issues related to opioids?

19 A. I would say the answer is yes in that we  
20 have spent extensive time working with HDA on the  
21 Drug Supply Chain Security Act that passed in 2014  
22 that was dealing with trying to update the  
23 technology in the supply chain and, so, on a  
24 de facto basis that impacts opioids. So, yes.

1 Q. Any other issues other than that one?

2 A. With HDA?

3 Q. Correct.

4 A. I believe that an amicus brief was filed  
5 with NACDS and HDA, but that was another area where  
6 I had to be prepared for that one during my  
7 preparation. I wasn't familiar with it prior to  
8 that.

9 Q. Okay. Who did you speak with about the  
10 amicus brief?

11 A. Within Walgreens?

12 Q. Correct.

13 A. I spoke to I believe only Pete Wilson  
14 about the amicus brief.

15 Q. Okay. What was the issue on which the  
16 amicus brief was submitted?

17 A. It had to do with -- oh, God, I need to  
18 remember the name. It had to do with distribution  
19 of opioids, and Walgreens I know through NACDS was  
20 in support of the amicus brief. But I'm not aware  
21 and I didn't hear from anybody that we actually  
22 provided legal input or writings as it related to  
23 the amicus brief. The Masters case. That's what  
24 it was called.

1 Q. Did Walgreens support the amicus brief  
2 that was submitted in that case?

3 MR. SWANSON: Object to form, beyond the  
4 scope.

5 BY THE WITNESS:

6 A. So, we supported it through NACDS.

7 BY MR. GADDY:

8 Q. What do you mean by that?

9 A. On any number of different issues, NACDS  
10 reaches out to its membership and asks for input on  
11 an issue. That was an example.

12 Q. That would have been an issue on which  
13 Walgreens would have issued and responded  
14 affirmatively that they support that amicus brief  
15 being submitted?

16 A. That's correct.

17 MR. SWANSON: Object to form.

18 BY MR. GADDY:

19 Q. Did Walgreens have an opportunity to  
20 review that brief before they gave their  
21 affirmative support that it should be submitted?

22 A. I believe we did, yes.

23 Q. And after reviewing that amicus brief,  
24 Walgreens gave their affirmative support to NACDS

1 to support or in favor of that amicus brief being  
2 filed in the Masters Pharmaceutical case, correct?

3 A. Yes.

4 MR. SWANSON: Object to form.

5 BY MR. GADDY:

6 Q. Did Walgreens propose any edits or  
7 changes or amendments to the brief prior to it  
8 being filed?

9 A. I don't believe so.

10 Q. Did Walgreens voice any objections to  
11 any aspects of the brief that was filed?

12 A. I don't believe so.

13 Q. When I asked you about state trade  
14 associations, you singled out Florida and Illinois.  
15 Any particular reason for those two states?

16 A. Yes. They're our first and third  
17 largest states in terms of number of stores. So,  
18 I'm more familiar with them than I am with other  
19 states.

20 Q. The lobbying or the trade associations  
21 in Illinois, would they be similar to the ones that  
22 you mentioned from Florida?

23 A. They are joint in Illinois. IRMA is the  
24 Illinois Retail Manufacturers Association, and they

1 handle both retail as well as pharmacy issues for  
2 Walgreens.

3 Q. And these state trade associations that  
4 you're referencing in Illinois and Florida, do they  
5 restrict their lobbying to state legislatures as  
6 opposed to federal?

7 MR. SWANSON: Object to form.

8 BY THE WITNESS:

9 A. The short answer is no. There are  
10 instances where federal legislation has an impact  
11 on states and different state trade associations,  
12 retail associations will weigh in. It's not  
13 common, but it happens.

14 BY MR. GADDY:

15 Q. Are there any federal trade  
16 organizations you can think of that Walgreens is a  
17 member of or associated with other than NACDS and  
18 the four that you mentioned, the Business Round  
19 Table, the retailers. Can't read my own writing.  
20 Those four. Are there any others that you can  
21 recall?

22 A. The National Association of Specialty  
23 Pharmacy, which I'm on the Executive Committee on,  
24 so I clearly should have remembered that one.



1 Again, I blame the head cold.

2 Q. Does "specialty pharmacy," do those two  
3 words have anything to do with opioids?

4 A. No.

5 Q. Does that trade association have  
6 anything to do with opioids?

7 A. No.

8 Q. I'll ask you about NACDS in a minute.

9 But any of the other federal trade  
10 organizations that Walgreens is a member of, do any  
11 of them do any lobbying regarding the laws, rules  
12 and regulations surrounding drug distribution or  
13 drug dispensing?

14 A. That we're members of?

15 Q. Correct.

16 A. I don't believe so, no.

17 Q. Are there any significant or well-known  
18 federal trade organizations that do represent  
19 retail pharmacies that Walgreens is not a member of  
20 that you're aware of?

21 A. Yes.

22 Q. What would that be?

23 MR. SWANSON: Object to the form and scope.

24 BY THE WITNESS:

**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**





**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**





**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**





**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**

